IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:	)Attorney Docket No.: F-676
Easwaran Nambudiri	)Group Art Unit: 3628
Serial No.: 10/698,150	)Examiner: F. Jabr
Filed: October 31, 2003	)Date: February 11, 2008

Confirmation No.: 9842

Title: Method and System for a Mailing Machine to Verify the Integrity of Printed Postage

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL

Sir:

This is an appeal pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 1.191 et seq. from the final rejection of claims 13 and 15 of the above-identified application mailed Nov. 13, 2007. A Notice of Appeal was filed on February 4, 2008.

The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. **16-1885**.

I.   Real Party in Interest

        The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

II.   Related Appeals and Interferences

        There are no appeals or interferences known to Appellants, their legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III.   Status of Claims

        Claims 1-12, 14 and 16 have been cancelled. Claims 13 and 15 are on appeal. Claims 13 and 15 stand rejected under U.S.C. §103(a) as being unpatentable over Sansone (U.S. 6,361,164) in view of Montgomery et al. (U.S. 2003/0101143) and Briley et al. (U.S. 6,860,452).

IV.   Status of Amendments

        There were no amendments to the claims filed subsequent to the Office Action dated Nov. 13, 2007. Therefore, the claims as set forth in Appendix A to this brief are those as set forth before the final rejection.

V.   Summary of Claimed Subject Matter

        This summary and references to specific page and line numbers, figures and reference characters is not intended to supplant or limit the description of the claimed subject matter as provided in the claims as recited in Appendix A, as understood in light of the entire specification.

Appellants' invention relates to a mailing machine and method that can detect if the PSD and/or printing device of the mailing machine are improperly operating in such a manner that the PSD accounts for a first postage amount with respect to a mail piece even though the printing device prints an indicia on the mail piece that indicates payment of a postage amount that is higher than the first postage amount.

Independent claim 13 is directed to a mailing machine that comprises "transport means for transporting mail pieces along a transport path;" (see Fig. 2, item 40 and corresponding description in paragraph [0022]), "printing means for printing a postage indicia on the mail pieces transported by the transport means, the postage indicia including a barcode and human-readable numerals that represent a postage amount;" (see Fig. 2, item 46 and corresponding description in paragraphs [0023] and [0025]), "reading means, located adjacent the transport path, for reading the barcode and the human-readable numerals;" (see Fig. 2, item 80 and corresponding description in paragraph [0028]), "comparing means coupled to the reading means for comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals;" (see Fig. 2, item 82 and corresponding description in paragraphs [0029]-[0031]), and "means for halting the transport means in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals." (See Fig. 2, item 82 and corresponding description in paragraphs [0029] and [0036]).

Independent claim 15 is directed to a method of operating a mailing machine that comprises "transporting mail pieces along a transport path;" (see Fig. 2, item 40 and corresponding description in paragraph [0022]), "printing a postage indicia on at least some of the mail pieces transported along the transport path, the postage indicia including a barcode and human-readable numerals that represent a postage amount;" (see Fig. 2, item 46 and corresponding description in paragraphs [0023] and [0025]), "reading the barcode and the human-readable numerals by using a reader mounted on the mailing machine;" (see Fig. 2, item 80 and corresponding description in paragraph [0028]), "receiving data from a postage security device;" (see Fig. 2, item 48 and corresponding description in paragraph [0031]) "comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals;" (see Fig. 2, item 82 and corresponding description in

paragraphs [0029]-[0031]), and "halting the transporting of mail pieces in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals." (See Fig. 2, item 82 and corresponding description in paragraphs [0029] and [0036]).

Additional features of the invention are discussed below in the Argument section of this Brief.

VI. Grounds of Rejection to be Reviewed on Appeal

A.   Whether the subject matter defined in claims 13 and 15 is unpatentable over Sansone (U.S. 6,361,164) in view of Montgomery et al. (U.S. 2003/0101143) and Briley et al. (U.S. 6,860,452).

VII. Argument

As discussed in detail below, the final rejection of claims 13 and 15 is devoid of any factual or legal premise that supports the position of unpatentability. It is respectfully submitted that the rejection does not even meet the threshold burden of presenting a prima facie case of unpatentability. For this reason alone, Appellants are entitled to grant of a patent. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

A.   The subject matter defined in claims 13 and 15 is not obvious over Sansone (U.S. 6,361,164) in view of Montgomery et al. (U.S. 2003/0101143) and Briley et al. (U.S. 6,860,452).

Appellants' invention is directed to a mailing machine that can detect if the PSD and/or printing device of the mailing machine are improperly operating in such a manner that the PSD accounts for a first postage amount with respect to a mail piece even though the printing device prints an indicia on the mail piece that indicates payment of a postage amount that is higher than the first postage amount. This is accomplished by providing a reading device on the mailing machine that reads the barcode and the human readable numerals that represent the postage

amount that are printed on the mail piece. The mailing machine includes a comparing mechanism that compares the postage amount represented by the data read from the barcode with the postage amount represented by the human-readable numerals to determine if they correspond or not, and processing of mail pieces is halted (thereby preventing the printing of any additional defective indicia) if the comparison fails to indicate a match.

Sansone is directed to a metering system that prevents the printing of fraudulent documents by counting the number of signal pulse firings that are used to produce ink drops or ink dots that are required to produce the document or specific regions of the document. Printer character routines stored in a memory are utilized to convert the bit map image of the printed region to the dollar amount of postage indicated in the printed indicia. This can then be compared with the value indicated in a current indicia value buffer. If there is a mismatch, the difference between the values is stored in a buffer. (Col. 4, lines 52, to Col. 5, line 67).

Thus, while the system in Sansone has similar objectives, it operates in a very different manner. The system in Sansone does not read the barcode and the human-readable numerals that have already been printed on the mail piece. The system in Sansone does not perform any type of scanning or reading of the postage indicium already printed on a mail piece. Furthermore, since the system of Sansone does not read the barcode or the human-readable numerals in the indicium, it cannot compare the amount a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals as is done in the present invention. Instead, as noted above, Sansone counts the number of signal pulse firings used to produce the human readable numerals, converts those pulse firings (based on the resulting bit map image) to a dollar amount, and then determines if the dollar amount printed is the same as or different than a dollar amount stored in a buffer. Furthermore, there is no disclosure, teaching or suggestion in Sansone of halting the transporting of mail pieces in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals.

Montgomery is directed to a postage indicia tracking system for generating self-validating unique postage indicia that can be validated by a postal authority. The system in Montgomery includes a centralized postage indicia generation system 302 which include a

multitude of centralized postage issuing computers systems 305/306/307 each of which communicates with a multitude of end user computers 304. The postage system 300 also includes a postage validation computer system 312. Each end user computer 308 is owned and operated by a client of a postal vendor, and is the principal device for preparing mail pieces by printing the tracking ID's and self-validating unique postage indicia on the mail pieces when received by the centralized postage-issuing computer system 305/306/307. Each centralized postage-issuing computer system 305/306/307 is owned and operated by a postal vendor and is the principal device that dispenses unique postage indicia to the end user computers 308 over communications links 314 in response to requests by the end user computers 308. The postage validation computer system 312 is owned and operated by the postal authority, and is the principal device for verifying the postage on mail pieces. (Paragraphs [0091] – [0094]).

The procedures performed in Montgomery for validating the postage on a mail piece are described with respect to Fig. 14. At step 700, the postal verifier operates a postage scanning station 484 within the postage validation computer system 312 to read the self-validating postage indicium (i.e., the two-dimensional barcode 206) on the mail piece and display its contents to the verifier. At step 702, the verifier then manually compares the contents of the two-dimensional barcode 206 to the human-readable information (e.g., mailing date, postage amount, origin of mail piece, and destination of mail piece). If the barcode information does not match the human-readable information, this is an indication of likely fraudulent use of a postage indicium and is treated as such. (Paragraph [0134]). Note, however, that the validation is performed by the validation computer system 312, which is not part of the postage indicia generation system. There is no disclosure, teaching or suggestion in Montgomery of a mailing machine that includes any type of reading means, located adjacent the transport path, for reading the barcode and the human-readable numerals or comparing means coupled to the reading means for comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals. The present invention allows the mailing machine that is generating and printing indicia on mail pieces to determine if there is a discrepancy between the postage amount included in the barcode with the postage amount printed in human readable numerals. The system in Montgomery can not perform this function, nor is it related in any way to performing such function.

Furthermore, there is no disclosure, teaching or suggestion in Montgomery of halting the transporting of mail pieces in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals. The processes of generating indicia and validating indicia are different processes, performed at different times, by different equipment. As such, if a mismatch is found in Montgomery, there is no way for the system in Montgomery to halt the processing of mail pieces.

Briley is directed to a postage metering system that includes a sensor to determine if a postage indicia has been printed. The system in Briley is not capable of determining whether or not a printed indicium is proper or not, but only if an image is present on the mail piece. There is no disclosure, teaching or suggestion in Briley of a mailing machine that includes any type of reading means, located adjacent the transport path, for reading the barcode and the human-readable numerals or comparing means coupled to the reading means for comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals. The system in Briley uses a simple optical sensor to detect only the presence or absence of a postage indicium – it is not capable of reading any information included in the indicium or performing any type of comparison. Furthermore, there is no disclosure, teaching or suggestion in Briley of halting the transporting of mail pieces in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals. The system in Briley stops operation only if there is no indicium present, which his not the same as detecting a mismatch between information printed in the barcode and the human readable numerals. As long as any indicium is present on each mail piece (whether or not the information included in the indicium is correct), the system in Briley will never stop. This is clearly contradictory to the present invention.

None of the references, either alone or in any combination, disclose, teach or suggest all of the features of the present invention. Without using the present claims as a road map, it would not have been obvious to make the multiple, selective modifications needed to arrive at the claimed invention from these references. The rejection uses impermissible hindsight to reconstruct the present invention from these references. See *Ex parte Clapp*, 227 U.S.P.Q. 972,973 (Bd. App. 1985) (requiring "convincing line of reasoning" to support and obviousness determination).

For at least the above reasons, Appellants respectfully submit that the final rejection as to claim 13 is in error and should be reversed.

Claim 15 is directed to a method of operating a mailing machine and includes limitations substantially similar to those of claim 13. For the same reasons given above with respect to claim 13, Appellants respectfully submit that the final rejection as to claim 15 is in error and should be reversed.

VIII.   Conclusion

In Conclusion, Appellants respectfully submit that the final rejection of claims 13 and 15 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,

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Attachments - Appendix A – Claims Appendix (1 page)
                    Appendix B – Evidence Appendix (1 page)
                    Appendix C – Related Proceedings Appendix (1 page)

APPENDIX A – Claims Appendix

13.   A mailing machine comprising:

transport means for transporting mail pieces along a transport path;

printing means for printing a postage indicia on the mail pieces transported by the transport means, the postage indicia including a barcode and human-readable numerals that represent a postage amount;

reading means, located adjacent the transport path, for reading the barcode and the human-readable numerals;

comparing means coupled to the reading means for comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals; and

means for halting the transport means in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals.

15.   A method of operating a mailing machine, the method comprising:

transporting mail pieces along a transport path;

printing a postage indicia on at least some of the mail pieces transported along the transport path, the postage indicia including a barcode and human-readable numerals that represent a postage amount;

reading the barcode and the human-readable numerals by using a reader mounted on the mailing machine;

receiving data from a postage security device;

comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals; and

halting the transporting of mail pieces in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals.

<u>APPENDIX B – EVIDENCE APPENDIX</u>

There is no evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 or any other evidence entered by the examiner and relied upon by Appellants in the appeal.

APPENDIX C – RELATED PROCEEDINGS APPENDIX

There are no appeals or interferences known to Appellants, their legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.